

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DR. RACHEL WELLNER, M.D.,

Plaintiff,

-v.-

MONTEFIORE MEDICAL CENTER,

Defendant.

17 Civ. 3479 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

For the reasons stated on the record on March 23, 2022, Defendant's motion to dismiss the case on judicial estoppel grounds, limit damages, and impose sanctions is DENIED.

Furthermore, the Court is hereby reopening discovery for the limited purpose of allowing Defendant to investigate Plaintiff's back condition. Accordingly, the discovery period shall be extended to May 23, 2022, during which time Defendant may perform an independent medical examination of Plaintiff and prepare an expert witness report relating to any connection that might exist between Plaintiff's physical condition and her termination.

Following the close of this extended discovery period, the parties are directed to file a joint letter on or before June 13, 2022, indicating Defendant's intent to file a second motion for summary judgment. If Defendant does not contemplate filing such a motion, the joint letter shall propose dates in early 2023 on which the parties are available for trial.

The Clerk of Court is directed to terminate the pending motions at docket entries 72 and 84.

SO ORDERED.

Dated: March 23, 2022
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge